

1/27/2013

Angel Fraley, et al v. Facebook Inc
 CASE NO. 11-CV-1726 RS

United States District Court Northern
 District of California

FEB 11 2013

RICHARD W. WICKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

FILED

Hi, My Name is Danielle Westfield and I'm writing to inform the courts of how Facebook Sponsored Stories violated my constitutional rights to privacy as well as provided a platform for the defamation of my character, by allowing un-
 da criticism from my peers by letting such propaganda to be publicized web-wide to the extent that it has cause humiliation upon me and my family an also emotional stress. I feel Facebook should be held accountable for being so careless in the handling of people's personal information rather it's of any truth or not.

Well to start things off I need to explain how I got to be a Sponsored Story on Facebook. I started my Facebook account back in Sept. of 2010 this account

1-page

was started mainly to monitor my kids pages. So I would play games on the page. One day and old classmate of mine sent me a inbox and said you need to post other things then the poker results you get on here. So I started posting lottery numbers and pics. I would receive invites to my page from a female by the name of Etie Lynn McDowell seeking my attention for whatever she had going on. I never responded to the invites so she decided to send me an email about my daughter and her honors that she was receiving in school, she posted my kid on another page of hers which was some youth organization. After that I went back to my regular Facebook-ing. Then came more invites that I didn't comply to and that's when all then harassment began. This female starting inboxing other people that went to school with me and began to attack my character this went on for months, so I started trying to defend myself against the people

that was attacking me for no year 30n. During this time a lot of things came out. Like how she tried to attack my daughter in some apartments we stayed in 2yrs. before my FACEBOOK account was started.

While trying to defend myself for the things that was being said about me. I was also reporting that I was being bullied and harassed to FACEBOOK security nothing was being done to stop this harassment so I started deactivating my page when I would logout the website. When I logged back into the website to check my children's page, it was like people sitting at their computer waiting to stalk and harass me. This got so bad that people from my friends list started emailing me things to post on my page. Cause they knew also of the harassment that I was being subject to. While still reporting to FACEBOOK security about all the harassment that was taking place. FACEBOOK did nothing, but join in on the harassment just like they said

in the movie, "The Network".

Facebook IT-Techs when thru my life to find things out about me and used them in a negative way. In 2008 I suffered an on the job injury therefore I when thru some financial issues and I knew God was testing my faith in him. Well thru FACEBOOK sponsored stories everyone web-wide found out about my money situation, they found out that I had been evicted from my home. With people knowing my personal business. FACEBOOK allowed them (friends list) and the IT-Techs to stalk and harass me thru their status.

While my page was deactivate I would get stalked by the IT-TECHS of FACEBOOK. They would send the the FACEBOOK messenger to my yahoo page trying to get me to log in to the site (FACEBOOK) to harass me. This was done numerous of times so I took a picture.

On my page (FACEBOOK) people would post comments under my picture

Calling me gay. (Jerod Ward) trying to attack my character; again this was reported to FACEBOOK Security and nothing was done.

The harassment cont.. so I decided not to pay my internet bill for a month just to see if the harassment would stop.

But, No it didn't when I came back to the Internet I find that someone has posted a video that say's "Me (Danielle Westfield) giving a Blowjob.

By Danielle Westfield Telly. The only video I ever posted on Telly is the one with my 2 kids when they went to see

Trey Songz. Not only did I not post the video I didn't even have a phone to make the video nor did I have the internet to post one. Again this was me being harassed an humiliated and this is also defamation of my character.

While being featured in FACEBOOK sponsored Stones my mailbox was removed. One night while I was home sleeping in my bed. Now I've become afraid to even walk outside my front door without

carrying my tazer, because I don't know who is waiting to do something to me, All this was brought on by FACEBOOK and it's sponsored stories that's talk about in the FACEBOOK movie "The Network". During this period of harassment FACEBOOK broadcast my credit issues and from this people taking pictures holding their credit cards in their hands and people applying for debit cards in my name sending it to my address

For the last 2 months 1/2 my page has been deactivated but I'm still being harassed by the IT-Techs of FACEBOOK on 1/31/2013 I received 6 text messages to my phone that said.

32445243883 es tu código de confirmación, o ve a <http://fb.me/1FQTMVITE3Nn6c>

On 1/22/2013 I when to the with on my phone to go online. And to my surprise one of the IT Techs that work for FACEBOOK had done logged me into someone page name Omar, this is

someone I don't even know. And my page was still deactivated and I don't have the FACEBOOK app so why is this happening?

Harassment from the IT-Techs just like the FACEBOOK MOVIES "THE NETWORK".

I quickly logged out the page and continue on my way.

On 1/23/2013 I made a comment on the Top Class Action website page on the article about the judge rejecting the settlement do to the unfairness to the victims. Well I agree totally with the judge's decision because the offer settlement of up to \$10.00 for the victims that FACEBOOK made is unfair. And FACEBOOK should be made to pay it's victims first then donate to charity if it's possible. Because the things that has been posted on the internet about me is totally untrue, and I wouldn't have ever posted such things because that's not my character.

7 page

I writing the courts to really ex-

press the impact that FACEBOOK sponsored stories can have on a person's life. I've been violated personally and mentally. Although I have never been physically raped, I feel like a rape victim. My life exposed by FACEBOOK and it's sponsored stories.

I'm asking (you) to courts to please consider me and others like me who have suffer the harassment, humiliation and embrassment that came through FACEBOOK and it's sponsored stories.

Thank you for allowing me this audience.

Danville Westfield
HM (41) 767-5709

INBOX CONTACTS CALENDAR

Compose

Inbox (2)		SORT BY DATE	3
Conversations	Polina Taranova	Hello again!	Dec 9, 2012
Drafts	Polina Taranova	Hello again!	Dec 9, 2012
Sent	Polina Taranova	RE: Re: Re: Re: Re: Re: Re: Job openi...	Dec 9, 2012
Spam (709)	Polina Taranova	RE: Re: Re: Re: Re: Re: Job opening - (...	Dec 6, 2012
Trash	Polina Taranova	RE: Re: Re: Re: Re: Job opening - (id : ...	Dec 6, 2012
FOLDERS	Polina Taranova	RE: Re: Re: Re: Re: Job opening - (id : ...	Dec 6, 2012
pics (3)	loans@aplusfinancia...	Thank you for your Loan Request!	Dec 5, 2012
Synced Messages	Polina Taranova	RE: Re: Re: Re: Re: Job opening - (id : K45...	Dec 5, 2012
MESSINGER	Polina Taranova	RE: Re: Re: Re: Re: Job opening - (id : K45...	Dec 5, 2012
You're signed out of Messenger. Click to sign in.		RE: Re: Re: Re: Job opening - (id : K4506R...	Dec 4, 2012
APPLICATIONS		RE: Re: Re: Re: Job opening - (id : K4506R...	Dec 4, 2012
Get Equifax Complete		RE: Re: Re: Job opening - (id : K4506R9649...	Dec 3, 2012
Only \$4.95 first month!		RE: Re: Job opening - (id : K4506R964996...	Dec 3, 2012
Limited-Time Offer		Please check your folders for the e-mail fro...	Nov 28, 2012
TRY IT NOW!		RE: Re: Job opening - (id : K4506R964996...	Nov 28, 2012
EQUIFAX		Job opening - (id : K4506R9649966317967).	Nov 26, 2012
patrickcoleman20@...		Re:	Sep 14, 2012
patrickcoleman20@...		Re:	Sep 14, 2012
patrickcoleman20@...		[No Subject]	Sep 13, 2012
patrickcoleman20@...		Dont worry about what they say..	Aug 24, 2012

FIRST PAGE

other people say behind
 your back, they are the
 people who are finding
 faults in your life instead
 of fixing the faults in
 your own life

To: danielle_westfield@yahoo.com;

Date: Friday, January 11, 2013 11:31 PM

NOTICE OF PENDING CLASS ACTION AND NOTICE OF PROPOSED SETTLEMENT

ANGEL FRALEY V. FACEBOOK, INC.

You are receiving this e-mail because you may have been featured in a "Sponsored Story" on Facebook prior to December 3, 2012.

A federal court authorized this Notice. This is not a solicitation from a lawyer.

Why did I get this notice? This Notice relates to a proposed settlement ("Settlement") of a class action lawsuit ("Action") filed against Facebook relating to a particular Facebook feature called "Sponsored Stories." According to available records, you may be a "Class Member."

What is the Action about? The Action claims that Facebook unlawfully used the names, profile pictures, photographs, likenesses, and identities of Facebook users in the United States to advertise or sell products and services through Sponsored Stories without obtaining those users' consent. Facebook denies any wrongdoing and any liability whatsoever. No court or other entity has made any judgment or other determination of any liability.

What is a Sponsored Story? Sponsored Stories are a form of advertising that typically contains posts which appeared on facebook.com about or from a Facebook user or entity that a business, organization, or individual has paid to promote so there is a better chance that the posts will be seen by the user or entity's chosen audience. Sponsored Stories may be displayed, for example, when a Facebook user interacts with the Facebook service (including sub-domains, international versions, widgets, plug-ins, platform applications or games, and mobile applications) in certain ways, such as by clicking on the Facebook "Like" button on a business's, organization's, or individual's Facebook page. Sponsored Stories typically include a display of a Facebook user's Facebook name (i.e., the name the user has associated with his or her Facebook account) and/or profile picture (if the user has uploaded one) with a statement describing the user's interaction with the Facebook service, such as "John Smith likes UNICEF," "John Smith played Farmville," or "John Smith shared a link."

What relief does the Settlement provide? Facebook will pay \$20 million into a fund that can be used, in part, to pay claims of Class Members (including Minor Class Members) who appeared in a Sponsored Story. Each participating Class Member who submits a valid and timely claim form may be eligible to receive up to \$10. The amount, if any, paid to each claimant depends upon the number of claims made and other factors detailed in the Settlement. No one knows in advance how much each claimant will receive, or whether any money will be paid directly to claimants. If the number of claims made renders it economically infeasible to pay money to persons who make a timely and valid claim, payment will be made to the not-for-profit organizations identified on the Settlement website at www.fraleyfacebooksettlement.com (if clicking on the link does not work, copy and paste the website address into a web browser). These organizations are involved in educational outreach that teaches adults and children how to use social media technologies safely, or are involved in research of social media, with a focus on critical thinking around advertising and commercialization, and particularly with protecting the interests of children.

In addition to monetary relief, Facebook will (a) revise its terms of service (known as the "Statement of Rights and Responsibilities" or "SRR") to more fully explain the instances in which users agree to the display of their names and profile pictures in connection with Sponsored Stories; (b) create an easily accessible mechanism that enables users to view, on a going-forward basis, the subset of their interactions and other content on Facebook that have been displayed in Sponsored Stories (if any); (c) develop settings that will allow users to prevent particular items or categories of content or information related to them from being displayed in future Sponsored Stories; (d) revise its SRR to confirm that minors represent that their parent or legal guardian consents to the use of the minor's name and profile picture in connection with commercial, sponsored, or related content; (e) provide parents and legal guardians with additional information about how advertising works on Facebook in its Family Safety Center and provide parents and legal guardians with additional tools to control whether their children's names and profile pictures are displayed in connection with Sponsored Stories; and (f) add a control in minor users' profiles that enables each minor user to indicate that his or her parents are not Facebook users and, where a minor user indicates that his or her parents are not on Facebook, Facebook will make the minor ineligible to appear in Sponsored Stories until he or she reaches the age of 18, until the minor changes his or her setting to indicate that his or her parents are on Facebook, or until a confirmed parental relationship with the minor user is established.

SUBMIT A CLAIM FORM	This is the only way to be eligible to receive a payment, if the Court orders payment to Class Members.	Deadline: May 2, 2013
EXCLUDE YOURSELF	This is the only option that allows you to retain the ability to file your own lawsuit about the legal claims in this case.	Deadline: May 2, 2013
OBJECT	Write to the Court about why you object to (i.e., don't like) the Settlement and think it shouldn't be approved.	Deadline: May 2, 2013
GO TO THE "FAIRNESS HEARING"	<p>The Court will hold a "Fairness Hearing" to consider the Settlement, the request for attorneys' fees and expenses of the lawyers who brought the Action ("Class Counsel"), and the class representatives' request for service awards for bringing the Action.</p> <p>You may, but are not required to, speak at the Fairness Hearing about any Objection you filed. If you intend to speak at the Fairness Hearing, you must follow the procedures stated on the Settlement website to notify the Court and parties of your intent when you serve your Objection.</p>	Hearing Date: June 28, 2013 at 10:00 a.m.
DO NOTHING	You will not receive a payment, even if the Court orders payment to Class Members. You will also be giving up your right to bring your own lawsuit related to the claims in the Action. You may be eligible to receive the non-monetary benefits of the Settlement, if the Settlement is finally approved.	No deadline

Your Class Member Number: 707160894

To Parents and Guardians of Children on Facebook: The Settlement also involves the claims of minors featured in Sponsored Stories on Facebook. Please see the Settlement website for more information.

More information? For more information about the Settlement and how to take the actions described above, please visit www.fraleyfacebooksettlement.com (if clicking on the link does not work, copy and paste the website address into a web browser) or write to the Settlement Administrator at Fraley v. Facebook, Inc., Settlement, c/o GCG, P.O. Box 35009, Seattle, WA 98124-1009, or GCG@fraleyfacebooksettlement.com. You may also contact Class Counsel, Robert S. Arns of the Arns Law Firm, by calling 1-888-214-5125 or by emailing fb.settlement@arnslaw.com.

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Settlement Spotlight

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Lawsuit Settlement](#)

Active Investigations

Actos Bladder Cancer Class Action Lawsuit Investigation
Propecia Loss of Sex Drive. Sexual Dysfunction Class Action Lawsuit Settlement Investigation
Zithromax Z-Pak Azithromycin Class Action Lawsuit Settlement Investigation
Text Message Spam, Cell Phone Call TCPA Class Action Lawsuit Settlement Investigation
Kidney Dialysis Heart Attack, GranuFlo & NaturalLyte Recall Class Action Lawsuit Settlement Investigation
Vaginal Mesh Sling Class Action Lawsuit Investigation
Zoloft & SSRI Antidepressant Birth Defect Class Action Lawsuit Investigation
NuvaRing Birth Control Class Action Lawsuit Settlement Investigation
Yaz/Yasmin, Ocella & Beyaz Birth Control Class Action Lawsuit Settlement Investigation
Chantix Suicide Heart Attack Class Action Lawsuit Settlement Investigation
Unum/UnumProvident Disability Insurance Claim Denial Class Action Lawsuit Investigation
Homeopathic Medicine. Supplement Fraud Class Action Lawsuit Settlement Investigation
Pradaxa Internal Bleeding Class Action Lawsuit Investigation
Mesothelioma Asbestos Class Action Lawsuit Settlement Investigation
Securities Fraud, Stock Fraud Investment Class Action Lawsuit Investigation
Metal on Metal Replacement Hip Implant Class Action Lawsuit Investigation
Mirena IUD Injury Class Action Lawsuit Settlement Investigation

Equifax Complete™ Advantage

Recommend One person recommends this.

- ✓ Credit alerts
- ✓ 3-bureau credit scores
- ✓ Identity theft protection

SEE YOUR SCORES

Class Action Lawsuit and Settlement News

[Judge Considering New Facebook Sponsored Stories Settlement](#)

Rating 0.00 (0 Votes)



Tuesday, 20 November 2012 07:00

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Judge Considering New Facebook Sponsored Stories Settlement

By Sarah Pierce



A federal judge said Thursday he would consider whether to preliminarily approve Facebook's second attempt to settle allegations its Sponsored Stories advertising feature violated users' privacy rights.

Earlier this year, U.S. District Judge Richard Seeborg [rejected](#) a proposed \$20 million class action lawsuit settlement over Sponsored Stories, saying he had "serious concerns" with the fairness of the deal, which did not offer money to Facebook users. At a hearing Thursday in San Francisco federal court, however, Judge Seeborg seemed much less critical of the revised settlement and promised a ruling "very shortly."

Under the [revised Sponsored Stories settlement](#), submitted for Seeborg's approval in October, Facebook is willing to pay up to \$10 each to users who appeared in Sponsored Stories ads without their permission and will allow users more control over how their personal information is used. Facebook also agreed to pay \$10 million in legal fees and \$10 million to charity.

Facebook attorney Michael Rhodes said in court Thursday that the Sponsored Stories class action lawsuit settlement provided meaningful protections and that Seeborg's job was to ensure a fair settlement – not write national privacy policy.

"Trust me, I'm not proposing to set grand policy with privacy issues writ large," Seeborg said.

Plaintiff attorney Robert Arns also defended the deal, saying it balances the public good with Facebook's ability to run a profitable social networking service.

"We believe we cracked the code so that it's fair," Arns said.

The **Facebook Sponsored Stories Class Action Lawsuit Settlement** case is *Angel Fraley, et al. v. Facebook, Inc.*, Case No. 11-cv-1726, U.S. District Court, Northern District of California.

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Updated November 20th, 2012

All class action and lawsuit news updates are listed in the [LAW NEWS](#) section of Top Class Actions

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Last Updated on Thursday, 27 December 2012 11:09

Comments

#5 Danielle Westfield 2013-01-22 20:38

Me personally Im glad the judge rejected this offer of up to 10.00 I received a notice of class in my e-mail an i was just disgusted at the amount of restitution that FACEBOOK was offering being that i was a target for harassment from the ppl

Action Law suit Investigation
 Stryker Metal Hip Implant Recall
 Class Action Law suit Investigation
 J&J DePuy ASR Pinnacle Metal
 Hip Replacement Implant Class
 Action Law suit Investigation

internet an friends turning against me because they received a inbox message from the ppl of facebook letting them know that they may be subject to my being posted on the internet. I was harassed for over two and 1/2 months ago I was still being harass by the IT TECH of FACEBOOK. I would log into my yahoo account only to find that FACEBOOK was still harassing by putting facebook pop-ups on my page. (I took pictures of this for proof) I also had my mailbox remove from my home while all the harassment from FACEBOOK was going. Just the other day 01/21/2013, I received 6 harassing text messages to phone that said 32665:43883 es tu codigo de confirmacion, o ve a <http://fb.me/1/Wzx3N9KuICCTD>. all these text came at nite back to back while I was trying to sleep. I feel facebook should be held accountable for what they allow ppl to do on their SITE. And I also think that the IT TECH should be held accountable for their part in the harassment.... It is not right on fair for facebook to put someone under attack in the way that I was an still being harass til this day and my page is and has been deactivate for a while now. I feel facebook was wrong in every sense of the word. I watched the NETWORK an I was a victim of the same harassment that was depicted in the movie , I feel that this was premeditated, an facebook should be held accountable. Facebook should not be allow to donate the money to charity that should pay the victims like (me) for the humiliation and the embassment that they allowed to happen, I know I'm not the only one. And I feel the sponsored stories about me was only to attack my character. (Defamation)

Top Settlements

Skechers Toning Shoe Class
 Action Law suit Settlement
 Samsung TV Capacitor Class
 Action Law suit Settlement
 Groupon Voucher Class Action
 Law suit Settlement
 New Balance Toning Shoe Class
 Action Law suit Settlement
 Verizon Landline Third-Party Billing
 Class Action Law suit Settlement

#4 Jason Woodruff 2013-01-05 19:34
 how do we find out if are information was used

#3 Darnell Brown 2012-12-11 07:30
 I would like to know myself how a person would find out if their picture,name etc. has been use on facebook w/o their knowledge.

#2 Eva Lea Willis 2012-12-11 00:43
 How does a person know if they used they name, picture etc. without my knowledge? I have been a FB user for several years now. Any response will be appreciated! Thanks Eva Lea

#1 Kimberly 2012-12-06 17:51
 how do i join the lawsuit for facebook?

RSS feed for comments to this post

Add comment

Name (required)

E-mail (required, but will not display)

4000 symbols left

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Top News

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 Sued for Selling Toxic Baby
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 Skechers Shape-Ups Class Action
 Wachovia "Pick-a-Payment"
 Mortgage Loan Class Action
 Settlement
 National City Bank (PNC) Overdraft

From: gcg@fraleyfacebooksettlement.com (gcg@fraleyfacebooksettlement.com)
To: danielle_westfield@yahoo.com;
Date: Sunday, January 13, 2013 3:40 PM

Dear Danielle,

Representative Plaintiffs contend that Sponsored Stories were advertisements that used Facebook members' names and likenesses to sell products without their consent. California Civil Code section 3344 provides that one whose name and/or likeness has been misappropriated is entitled to damages caused by the misappropriation or statutory damages, and that punitive damages may be awarded to the injured party. It also states that the prevailing party (whether it be the person bringing the lawsuit or the defendant, in this case, Facebook) will be entitled to collect attorneys' fees and costs from the other party. Representative Plaintiffs also allege that Facebook violated California's Unfair Competition Law (Business and Professions Code, section 17200 and the sections that follow).

Facebook denies any wrongdoing and any liability whatsoever and the issuance of the Notice is not an expression of the Court's opinion on the merit or the lack of merit of any of the Representative Plaintiffs' claims in the Action.

Sponsored Stories are a form of advertising that typically contains posts which appear on facebook.com about or from a Facebook user or entity that a business, organization, or individual has paid to promote so there is a better chance that the posts will be seen by the user or entity's chosen audience. Sponsored Stories may be displayed, for example, when a Facebook user interacts with the Facebook service (including sub-domains, international versions, widgets, plug-ins, platform applications or games, and mobile applications) in certain ways, such as by clicking on the Facebook "Like" button on a business's, organization's, or individual's Facebook page. Sponsored Stories typically include a display of a Facebook user's Facebook name (i.e., the name the user has associated with his or her Facebook account) and/or profile picture (if the user has uploaded one) with a statement describing the user's interaction with the Facebook service, such as "John Smith likes UNICEF," "John Smith played Farmville," or "John Smith shared a link." For illustrative purposes only, and without limiting Sponsored Stories to those examples, Exhibit A at the end of this Notice [Exhibit 8 to the Amended Settlement Agreement and Release ("Settlement Agreement")] contains several examples of Sponsored Stories.

For more information, please visit the Settlement Website at: www.FraleyFacebookSettlement.com.

Sincerely,

Fraley v. Facebook, Inc. Settlement Administrator (KB)

This communication (including any attachments) is intended for the use of the intended recipient(s) only and may contain information that is confidential, privileged or legally protected. Any unauthorized use or dissemination of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by return e-mail message and delete all copies of the original communication. Thank you for your cooperation.

----- Original Message -----

Subject: Inquiry Regarding the Fraley v. Facebook, Inc. Settlement
From: "The Garden City Group, Inc." <danielle_westfield@yahoo.com>
Date: Sat, January 12, 2013 3:55 pm
To: <gcg@fraleyfacebooksettlement.com>

Comments: I have a couple of questions and concerns that I would like to speak with someone from the Settlement Administrator's office please call me at 404 707-5709.

Danielle Westfield

This communication (including any attachments) is intended for the use of the intended recipient(s) only and may contain information that is confidential, privileged or legally protected. Any unauthorized use or dissemination of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by return e-mail message and delete all copies of the original communication. Thank you for your cooperation.

Case # 2012-013375
Officer D. Adams
Detective _____
Recinct 50474

For additional information on Application for Victim Compensation
and information on Criminal Justice Program contact:

Georgia Criminal Justice Coordination Council (404) 656-2000

For additional information on Community-Based Programs contact:

Governor's Victim Assistance HELPLINE 1-800-338-6745

FULTON COUNTY

**YOUR RIGHTS
AS A VICTIM**

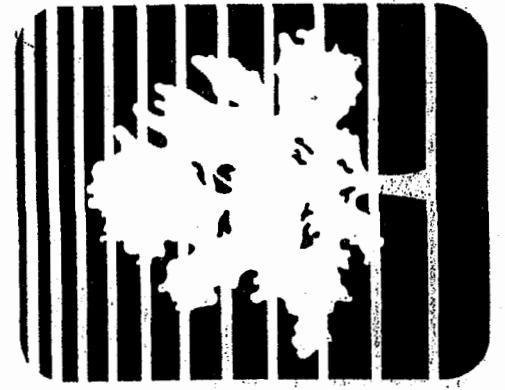


**FULTON COUNTY
POLICE DEPARTMENT**

*Cassandra A. Jones
Chief of Police*

Fulton County Police Department
Cassandra A. Jones, Chief of Police
5440 Fulton Industrial Blvd
Atlanta, Georgia 30336
(404) 613-5700

This pamphlet is available in alternate format upon request



Case # 2012-010549
Officer D. King 1084
Detective _____
Precinct 504th

For additional information on Application for Victim Compensation
and information on Criminal Justice Program contact:

Georgia Criminal Justice Coordination Council (404) 656-2000

For additional information on Community-Based Programs contact:

Governor's Victim Assistance HELPLINE 1-800-338-6745

YOUR RIGHTS AS A VICTIM



Fulton County Police Department
Cassandra A. Jones, Chief of Police
5615 Old National Hwy
College Park, GA 30349
Phone # 404-613-3005 or 404-612-4780
Fax# 404-893-6573

Fulton County Special Service - 404-612-3001

This pamphlet is available in alternate format upon request.

FULTON COUNTY
POLICE DEPARTMENT

*Cassandra A. Jones
Chief of Police*

